

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

HUY CHI LUONG

§

v.

§

CIVIL ACTION NO. 5:23-CV-67-RWS-JBB

WARDEN, FCI-TEXARKANA

§

**ORDER**

Before the Court is Petitioner Huy Chi Luong's petition for writ of habeas corpus under 28 U.S.C. § 2241 challenging the legality of his conviction. Docket No. 1. The case was referred to United States Magistrate Judge J. Boone Baxter in accordance with 28 U.S.C. § 636.

On July 26, 2024, the Magistrate Judge issued a Report recommending Respondent's motion to dismiss (Docket No. 8) be granted and that the above-styled petition for the writ of habeas corpus be dismissed with prejudice. Docket No. 15. Petitioner acknowledged receipt of the Report on July 30, 2024. Docket No. 16. To date, no objections have been filed.

Because no objections have been received, Petitioner is barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at \*1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a Magistrate

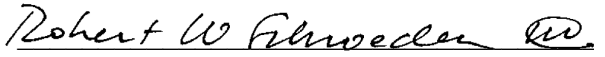
Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

**ORDERED** that the Report of the Magistrate Judge (Docket No. 15) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that Respondent's motion to dismiss (Docket No. 8) is **GRANTED**. It is further

**ORDERED** the above-captioned petition for writ of habeas corpus is **DISMISSED WITH PREJUDICE**.

**So ORDERED and SIGNED this 4th day of September, 2024.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE